

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

OREESE FOGG and KYLE WALKER,  
individually and on behalf of all persons  
similarly situated,

*Plaintiffs,*

v.

CLEAN HARBORS ENVIRONMENTAL  
SERVICES, INC.,

*Defendant.*

Civil Action No. 2:21-cv-07626

**[PROPOSED] ORDER**

THIS CAUSE came before the Court upon Plaintiffs' Motion for Conditional Certification and Court-Authorized Notice Pursuant to 29 U.S.C. § 216(b) and Expedited Discovery. Being fully advised, the Court finds as follows:

**IT IS ORDERED that:**

(1) Plaintiffs' Motion is GRANTED. The proposed collective is preliminarily certified and defined as follows:

**All current and former non-exempt, hourly-paid employees of Clean Harbors who worked at one of Clean Harbors' facilities performing recycling, cleaning, and maintenance services for Clean Harbors' customers in the United States at any time beginning March 31, 2018 through the Present.**

(2) Plaintiffs' Motion for Expedited Discovery is GRANTED. Defendant is directed, within ten (10) days of entry of this Order, to produce to Plaintiffs' counsel a list in electronic word-searchable format in native Microsoft Excel format, of all non-exempt, hourly-paid Clean Harbors employees from March 30, 2018 through the present, their names, last known home

addresses, last known personal telephone numbers, last known personal and business email addresses, job titles, work locations, and dates of employment;

(3) Plaintiffs' Motion for Court-authorized Notice is GRANTED. Plaintiffs' Proposed Notice and Consent Forms are hereby adopted, approved, and shall be disseminated to all putative collective members. The Notice shall be posted in a conspicuous location in Defendant's common break areas within Defendant's work facilities for the duration of the opt-in period. Plaintiffs are permitted to hire a third-party notice administrator to disseminate notice. The Notice shall be sent to all putative collective members by U.S. Mail and email, where available. The opt-in period shall be ninety (90) days from the date of mailing of the Notice.

(4) Plaintiffs' proposed Text Message Notice is hereby adopted. Any third-party notice administrator hired by Plaintiffs shall also send the Notice to putative collective members via text message, where available.

(5) Plaintiffs' proposed Reminder Postcard is adopted, and on the forty-fifth (45) day of the opt-in period, the Reminder Postcard shall be sent to all putative collective members who have not yet returned a signed opt-in consent form in this case.

(6) Defendant shall not retaliate against Plaintiffs or putative collective members for joining the action, speaking with Plaintiffs' counsel, or providing assistance to Plaintiffs in any way. Defendant shall instruct its managerial employees, foremen, and other agents with supervisory authority over Plaintiffs and the putative collective members not to opine or comment to the workers about the lawsuit, to interfere (directly or indirectly) with the workers' rights to join or participate in the lawsuit, and shall instruct these supervisory employees not to pressure or influence the workers to join or not to join the lawsuit in any way.

SO ORDERED:

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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PRESIDING JUDGE